

10/589864

IAP14 Rec'd PCT/PTO 17 AUG 2006

Customer No. 22,852

Attorney Docket No. 01197.0281

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Koichi SHINHAMA

Application No.: Not Yet Assigned

Filed: August 17, 2006

National Stage of International Application  
No. PCT/JP2005/002668 under 35 U.S.C.  
371, for METHOD FOR PRODUCING 4-  
NITROIMIDAZOLE COMPOUND

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

MAIL STOP PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicant brings to the Examiner's attention the documents listed on attached Form PTO/SB/08 and cited in the international search report. With exception of the U.S. patent, copies of the listed documents are attached. Applicant respectfully requests that the Examiner consider the documents listed on attached Form PTO/SB/08 and indicate that they were considered by making an appropriate notation on this form. This Information Disclosure Statement is being filed with the above-referenced application.

The following are listed on the accompanying PTO/SB/08 and are in a non-English language:

1. WIPO Publication No. WO 2004/035547 A1 - An English language abstract of this document is enclosed.

2. WIPO Publication No. WO 2004/033463 A1 - An English language abstract of this document is enclosed.

In lieu of a statement of relevance or the translation of the non-English document 1, enclosed is an English-language international search report from the Japanese Patent Office in the PCT international application, from which this national phase U.S. application is derived, citing this document and setting forth the relevance thereof.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 17, 2006

By: 

Ernest F. Chapman  
Reg. No. 25,961

Enclosures  
EFC/FPD/sci

18/589864  
IAP14 Rec'd PCT/PTO 17 AUG 2006

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				<b>Complete if Known</b>	
				<i>Application Number</i>	Not Yet Assigned
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<i>Filing Date</i>	August 17, 2006
				<i>First Named Inventor</i>	Koichi SHINHAMA
				<i>Art Unit</i>	Not Yet Assigned
				<i>Examiner Name</i>	Not Yet Assigned
				<i>Attorney Docket Number</i>	01197.0281
Sheet	1	of	1		

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
/JC/		US3,341,548	09-12-1967	HOFFER	

**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
/JC/		WO 97/01562	01-16-1997	BAKER et al.		
/JC/		WO 2004/035547 A1	04-29-2004	GOTO et al.		ABSTRACT
/JC/		WO 2004/033463 A1	04-22-2004	TSUBOUCHI et al.		ABSTRACT

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
/JC/		NAGARAJAN, K. et al., "Nitroimidazoles XXI** 2,3-Dihydro-6-Nitroimidazo [2,1-b] Oxazoles with Antitubercular Activity***," Eur. J. Med. Chem., Vol. 24, pp. 631-633, (1989).	
/JC/		STOVER, C. K. et al., "A Small-Molecule Nitroimidazopyran Drug Candidate for the Treatment of Tuberculosis," Nature, Vol. 405, pp. 962-966, (June 22, 2000).	
/JC/		SEHGAL, R. K. et al., "Potential Radiosensitizing Agents. 2. Synthesis and Biological Activity of Derivatives of Dinitroimidazole with Oxiranes," J. Med. Chem., Vol. 24, pp. 601-604, (1981).	
/JC/		ASHTEKAR, D. R. et al., "In Vitro and In Vivo Activities of the Nitroimidazole CGI 17341 against <i>Mycobacterium Tuberculosis</i> ," Antimicrobial Agents and Chemotherapy, Vol. 37, No. 2, pp. 183-186, (February 1993).	
/JC/		SUWINSKI, J. et al., "Nitroimidazoles, Part V", Chloronitroimidazoles From Dinitroimidazoles, A Reinvestigation**, Polish Journal of Chemistry, Vol. 56, pp. 1261-1272, (1982).	

Examiner Signature	/Janet Coppins/	Date Considered	09/20/2008
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.